

PTO-2038 (02-2000)

Approved for use through 01/31/2003. OMB 0651-0043

United States Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Notice of Appeal (Small Entity)

| Patent Fee                       | Patent Maintenance Fee | Trademark Fee             | Other Fee         |
|----------------------------------|------------------------|---------------------------|-------------------|
| Application No.<br>09/004,803    | Application No.        | Serial No.                | IDON Customer No. |
| Patent No.                       | Patent No.             | Registration No.          |                   |
| Attorney Docket No.<br>mces-0002 |                        | Identify or Describe Mark |                   |

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FEB 15 2002

GROUP 3600

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PTO/SB/21 (08-00)

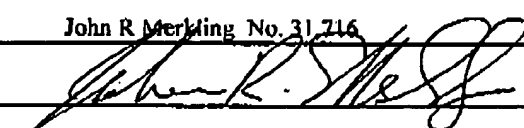
Approved for use through 10/31/2002. OMB 0851-0031

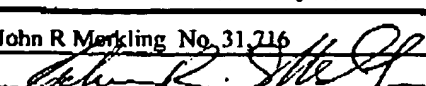
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|  |                             |                               |           |
|--|-----------------------------|-------------------------------|-----------|
| <b>TRANSMITTAL<br/>FORM</b><br><br><i>(to be used for all correspondence after initial filing)</i> | <b>Application Number</b>   | 09/004,803                    |           |
|  | <b>Filing Date</b>          | 01/09/1998                    |           |
|  | <b>First Named Inventor</b> | Jason T. Epps                 |           |
|  | <b>Group Art Unit</b>       | 3634                          |           |
|  | <b>Examiner Name</b>        | STRIMBU, GREGORY J            |           |
| <b>Total Number of Pages in This Submission</b>  | 5                           | <b>Attorney Docket Number</b> | MCES-0002 |

| ENCLOSURES <i>(check all that apply)</i>  |  |   |
|---|--|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form<br><input checked="" type="checkbox"/> Fee Attached<br><input type="checkbox"/> Amendment / Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Response to Missing Parts/Incomplete Application<br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers <i>(for an Application)</i><br><input type="checkbox"/> Drawing(s)<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input checked="" type="checkbox"/> Appeal Communication to Group <i>(Appeal Notice, Brief, Reply Brief)</i><br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) <i>(please identify below):</i> |
| Remarks<br><br>Submitted by Facsimile to Group 3600<br>Number 703-872-9327 on Feb 15, 2002.   |  |   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |
|--|---|
| Firm or Individual name                    | John R Merklng No. 31 216   |
| Signature                                  |  |
| Date                                       | February 15, 2002   |

| CERTIFICATE OF MAILING   |   |      |                   |
|--|---|------|-------------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date: February 15, 2002 |   |      |                   |
| Typed or printed name  | John R Merklng No. 31 216   | Date | February 15, 2002 |
| Signature  |  | Date | February 15, 2002 |

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GROUP 3600

PTO/SB/97 (08-00)

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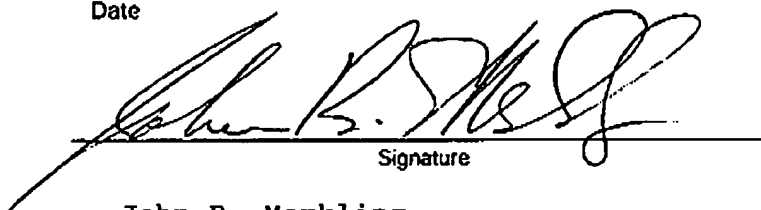
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## Certificate of Transmission under 37 CFR 1.8

Notice of Appeal and Fee by Credit Card  
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Date

  
SignatureJohn R. Merkling

Typed or printed name of person signing Certificate

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Group 3600 Facsimile Number: 703-872-9327

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PTO/SB/17 (11-01)

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**FEE TRANSMITTAL**  
**for FY 2002**

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT

(\$ 160.00)

## Complete if Known

|                      |                    |
|----------------------|--------------------|
| Application Number   | 09/004,803         |
| Filing Date          | 01/09/1998         |
| First Named Inventor | Jason T. Epps      |
| Examiner Name        | STRIMBU, GREGORY J |
| Group Art Unit       | 3634               |
| Attorney Docket No.  | MCES-0002          |

## METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None☐ Deposit Account:Deposit Account Number  
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The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments  
☐ Charge any additional fee(s) during the pendency of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

## 1. BASIC FILING FEE

Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description        | Fee Paid |
|---------------|---------------|------------------------|----------|
| 101 740       | 201 370       | Utility filing fee     |          |
| 106 330       | 206 165       | Design filing fee      |          |
| 107 510       | 207 255       | Plant filing fee       |          |
| 108 740       | 208 370       | Reissue filing fee     |          |
| 114 160       | 214 80        | Provisional filing fee |          |

SUBTOTAL (1) (\$)

## 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid

Total Claims - 20" = ☐ X ☐ = ☐

Independent Claims - 3" = ☐ X ☐ = ☐

Multiple Dependent ☐ = ☐

Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  |
|---------------|---------------|--|
| 103 18        | 203 9         | Claims in excess of 20                                     |
| 102 84        | 202 42        | Independent claims in excess of 3                          |
| 104 280       | 204 140       | Multiple dependent claim, if not paid                      |
| 109 84        | 209 42        | ** Reissue independent claims over original patent         |
| 110 18        | 210 9         | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$)

- number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

## 3. ADDITIONAL FEES

Large Entity | Small Entity

| Fee Code (\$) | Fee Code (\$) | Fee Description  | Fee Paid |
|---------------|---------------|--|----------|
| 105 130       | 205 65        | Surcharge - late filing fee or oath  |          |
| 127 50        | 227 25        | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139 130       | 139 130       | Non-English specification  |          |
| 147 2,520     | 147 2,520     | For filing a request for ex parte reexamination                            |          |
| 112 920*      | 112 920*      | Requesting publication of SIR prior to Examiner action                     |          |
| 113 1,840*    | 113 1,840*    | Requesting publication of SIR after Examiner action                        |          |
| 115 110       | 215 55        | Extension for reply within first month                                     |          |
| 116 400       | 216 200       | Extension for reply within second month                                    |          |
| 117 920       | 217 460       | Extension for reply within third month                                     |          |
| 118 1,440     | 218 720       | Extension for reply within fourth month                                    |          |
| 128 1,980     | 228 980       | Extension for reply within fifth month                                     |          |
| 119 320       | 219 160       | Notice of Appeal   | 160.00   |
| 120 320       | 220 160       | Filing a brief in support of an appeal                                     |          |
| 121 280       | 221 140       | Request for oral hearing   |          |
| 138 1,510     | 138 1,510     | Petition to institute a public use proceeding                              |          |
| 140 110       | 240 55        | Petition to revive - unavoidable   |          |
| 141 1,280     | 241 640       | Petition to revive -unintentional  |          |
| 142 1,280     | 242 640       | Utility issue fee (or reissue)   |          |
| 143 460       | 243 230       | Design issue fee   |          |
| 144 620       | 244 310       | Plant issue fee  |          |
| 122 130       | 122 130       | Petitions to the Commissioner  |          |
| 123 50        | 123 50        | Processing fee under 37 CFR 1.17(c)  |          |
| 126 180       | 126 180       | Submission of Information Disclosure Stmt                                  |          |
| 581 40        | 581 40        | Recording each patent assignment per property (times number of properties) |          |
| 146 740       | 246 370       | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149 740       | 249 370       | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179 740       | 279 370       | Request for Continued Examination (RCE)                                    |          |
| 169 900       | 169 900       | Request for expedited examination of a design application                  |          |

Other fee (specify) \_\_\_\_\_

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$ 160.00)

## SUBMITTED BY

|                   |                  |                                   |              |           |              |
|-------------------|------------------|-----------------------------------|--------------|-----------|--------------|
| Name (Print/Type) | John R Merklings | Registration No. / Attorney/Agent | 31,716       | Telephone | 979-388-8443 |
| Signature         |                  | Date                              | Feb 15, 2002 |           |              |

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